IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 20518 of 2007(P)

PETITIONER:

BENNY ULAHANNAN, S/O ULAHANNAN,
AGED 58 YEARS, RESIDING AT THUNDATHIL HOUSE,
KUTHUNKAL PO, UDUMPANCHOLA TALUK, IDUKKI DISTRICT.

BY ADV. SRI.JOICE GEORGE

RESPONDENTS:

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1. THE REGISTRAR OF CO-OPERATIVE SOCIETES
KERALA, OFFICE OF THE REGISTRAR OF CO-OPERATIVE
SOCIETIES, THIRUVANANTHAPURAM.

2. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), IDUKKI, OFFICE OF THE
JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
PAINAVU P.O., IDUKKI DISTRICT.

3. THE ASST.REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), UDUMPANCHOLA, OFFICE OF THE
ASST.REGISTRAR OF CO-OPERATIVE SOCIETIES,
NEDUMKANDAM P.O., IDUKKI DISTRICT.

4. THE CO-OPERATIVE INSPECTOR (C.UNIT),
OFFICE OF THE ASST. REGISTRAR OF CO-OPARATIVE
SOCIETIES (GENERAL), UDUMPANCHOLA,
NEDUMKANDAM P.O., IDUKKI DISTRICT.

BY GOVT. PLEADER SMT. ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/07/2007 ALONG WITH W.P.C. NO. 20740/07, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NOs. 20518 & 20740 OF 2007

Dated this the 5th day of July, 2007

J U D G M E N T

These two writ petitions are filed by the same petitioner, who is the President of the Chemmannar General Marketing Co-operative Society Ltd. in Idukki district. These writ petitions are being disposed of by this common judgment in view of the intervening developments, without going into the merit of the contentions raised by the petitioner.

2. In W.P.(C) No.20518/07, petitioner has impugned Ext.P2 notice issued by the Joint Registrar of Co-operative Societies, Idukki by which the petitioner was directed to show cause why the managing committee of the society shall not be superceded as provided under Section 32 of the Act. When the above writ petition came up for consideration before this Court on July 4, 2007, petitioner had informed the court that to his information the hearing was scheduled to be held at 2 p.m. on July 6, 2007 though it was seen from the said notice that the hearing was in fact scheduled to be held on July 2, 2007.

3. In that view of the matter, the case was adjourned directing the petitioner to appear before the officer concerned for the

hearing. But, it appears that the officer has passed an order of supersession even without hearing the petitioner. The said order has been produced as Ext.P5 in W.P.(C) No.20740/07, which has been moved before this Court today.

4. Obviously, Ext.P5 order of supersession has been passed without hearing the petitioner. Therefore, I am satisfied that on that short ground itself Ext.P5 is liable to be set aside. I do so. It is made clear that it will be open to the petitioner to respond to the show cause and submit his statement of objection. The Joint Registrar shall hear the petitioner and consider the objections raised by him in the statement of objections. Appropriate decision in the matter shall be taken by the Joint Registrar expeditiously. A copy of the order as and when passed, shall be communicated to the petitioner by registered post. If the said order goes against the petitioner, it shall be kept in abeyance for a period of 10 days from the date of service of the order on the petitioner.

The writ petitions are disposed of as above.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007